

STANDING CHAPTER 13 TRUSTEE ALEJANDRO OLIVERAS RIVERA  
REPORT OF ACTION TAKEN  
MEETING OF CREDITORS

In re:

FRANCISCO RAFAEL ZAYAS SEIJO

Case No. 21-03259-EAG

Chapter 13

Attorney Name: CARLOS TEISSONNIERE RODRIGUEZ\*

<b>I. Appearances</b>  Debtor <span style="margin-left: 20px;"><input checked="" type="checkbox"/> Present</span> <span style="margin-left: 20px;"><input type="checkbox"/> Absent</span> Joint Debtor <span style="margin-left: 20px;"><input type="checkbox"/> Present</span> <span style="margin-left: 20px;"><input type="checkbox"/> Absent</span> Attorney for Debtor <span style="margin-left: 20px;"><input checked="" type="checkbox"/> Present</span> <span style="margin-left: 20px;"><input type="checkbox"/> Absent</span>  <input type="checkbox"/> Prose <input type="checkbox"/> Appearing:	Date & Time: 11/30/2021 11:00:00AM  <input checked="" type="checkbox"/> R <span style="margin-left: 20px;"><input type="checkbox"/> NR</span> LV: \$105,721 (preliminar) <input checked="" type="checkbox"/> This is debtor(s) 1 Bankruptcy filing.  Creditors:  <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <u>Antonio J Cabrero Muniz by Juan B Soto Balbáf, Esq.</u>  <u>US Trustee by Julio Guzman, Esq.</u>  <u>Department of Treasury by Ms. Carla Rodríguez</u> </div>
<b>II. Oath Administered</b> <span style="margin-left: 40px;"><input checked="" type="checkbox"/> Yes</span> <span style="margin-left: 40px;"><input type="checkbox"/> No</span>	
<b>III. Plan</b>  Date: 11/29/2021 Base: \$414,469.00 Payments 0 made out of 1 due.  Confirmation Hearing Date: 1/14/2022 2:30:00PM  Evidence of Pmt shown:	
Attorney's fees as per R. 2016(b)  <div style="margin-left: 40px;">\$4,000.00 - \$1,600.00 = \$2,400.00</div>	
<b>IV. Status of Meeting</b>  <input type="checkbox"/> Closed <span style="margin-left: 20px;"><input type="checkbox"/> Not Held</span> <span style="margin-left: 20px;"><input checked="" type="checkbox"/> Held/Continued</span> <input type="checkbox"/> Held/Not Closed  <input type="checkbox"/> Continued  Continued Date: 12/14/2021 1:00:00PM Comments:	
<input type="checkbox"/> M.T.D. to be filed by Trustee: Debtor(s) failed to: <input type="checkbox"/> Appear: <input type="checkbox"/> Commence payments <input type="checkbox"/> Keep payments current <input type="checkbox"/> does (do) not qualify as a debtor (§109): <input type="checkbox"/> MTD Already filed, see Docket: <input type="checkbox"/> Other:	

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(Cont.)

Trustee's Report on Confirmation

☐ FAVORABLE

☐ UNFAVORABLE

- ☐ Feasibility
- ☐ Insufficiently funded
- ☐ Unfair discrimination
- ☐ Fails disposable income
- ☐ Fails liquidation value test
- ☐ Insuarence quote

- ☐ No provision for secured creditor(s)
- ☐ Tax returns missing
  - ☐ State - years
  - ☐ Federal - years

Pending/Items/ Documents:

- ☐ DSO Recipient's Information
- ☐ Evidence of being current with DSO
- ☐ Evidence of income

- ☐ Monthly reports for the months
- ☐ Public Liability Insurance
  - ☐ Premises
  - ☐ Vehicle(s):
  - ☐ Licenses issued by:

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Trustee's objection to confirmation

☐ Objection to Confirmation

☐ Oral objection by creditor

ACP: 5 HH: 2 LINE 45: -1,518.29

All mandatory questions were made; pending to questions by Creditor. Treasury informs that debtor failed to file IVU Tax Returns.

- The 1st installment of the plan has not been made. Debtor is advised that due on \$2,120.

- INSUFFICIENT FUNDED, §1325 (b):

Amended plan filed at dkt 14 is insufficiently funded to pay secured creditors.

- FAILS LIQUIDATION VALUE TEST, §1325(a)(4):

Per trustee's analysis the plan needs to provide and pay 100% plus interest to all general unsecured creditors. Plan does not comply with the best interest of creditors test.

- DOES NOT PROVIDE FOR SECURED CREDITOR, §1325(a)(5):

Plan does not provide for the following creditors: Schedule D disclose 2 accounts for this creditor ; Primera Cooperativa Claim #1 and #2; both accounts have shares and for the direct payment to coop Emp. Agen. Agricola. The amount of the payment is not clear on paystubs provided.

- Other:

a) Schedule J listed expenses for properties related to lot of land Bo. Mameyes, Jayuya and Commercial building Ave. Fagot. (See line 6d) plan provides for the payment in full of this properties.

b) Appears that debtor receive income from rent \$400 as disclosed on schedule I line 8a schedule G does not disclose any information.

c) Debtor has listed life insurance expense in the amount of \$390. Does this insurance have any cash value? If so, provide evidence. Also, at line 15d "seguro Jayuya" in the amount of \$86.00.

d) Trustee notes that BPPR has filed their claim without evidence of security.

e) Treatment on part 3.1 to Coop Oriental regarding the Toyota Tacoma; 3.2 of the plan for creditor Antonio Cabrero for debt over properties at Jayuya and Fagot Real estate and treatment on part 3.7 for Oriental bank does not

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conform the official form LBF-G of the plan.

f) Plan does not include the suggested tax refund text on part 8 of the plan: Tax refunds, if any, will be devote each year, as periodic payments, to the plan's funding until plan completion and creasing the base thereby without the need of further notice, hearing or court order.

**Disposable Income**

Step up that comes from the sale of the property of Jayuya and fagot is in the amount of \$249,000. Plan needs to bifurcate amounts. Amend accordingly.

None of the 2 accounts listed with BPPR are identified as check or savings.

Schedule J discloses pet expenses of \$100 no pets has been disclosed in A/B.

NOTE: Part 4 of the SOFA discloses a Tort that is pending between debtor and Antonio Cabrero - per testimony, action has a judgement entered

Provide evidence of the expenses listed on SCMI line 22 Additional healthcare of \$400; line 23 optional telephone \$400; line 27 protection against family \$80; line 33d shares with AEELA (\$650), Jayuya Coop (\$25), Credi Centro (\$212.30), Coop Padre Mc Donald (\$31.67) and Coop Oriental (\$43.98); line 43 deduction for special circumstances: Maintenance for the 3 properties \$800; pet expenses \$100; seg Alhambra \$133 and seg Jayuya \$86. This could impact line 45.

The following party(ies) object(s) confirmation:

s/Elvis Cortes

Trustee/Presiding Officer

Date: 11/30/2021

(Rev. 05/13)